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Attorney for Defendants  
AMERIGAS PARTNERS, L.P., AMERIGAS  
PROPANE L.P., and AMERIGAS PROPANE, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SEAN VENEZIA, MICHAEL S. HARVEY,  
GREGORY LUDVIGSEN, ARTHUR HULL,  
and ALAN ROCKWELL, individually and on  
behalf of a class of all others similarly  
situated,

Plaintiffs,

v.

FERRELLGAS PARTNERS, L.P., a limited  
partnership; FERRELLGAS, L.P., a limited  
partnership d/b/a Blue Rhino; AMERIGAS  
PARTNERS, L.P., a limited partnership, and  
AMERIGAS PROPANE, L.P., a limited  
partnership d/b/a AmeriGas Cylinder  
Exchange, and AMERIGAS PROPANE,  
INC., a corporation,

Defendants.

CASE NO. 3:14-CV-03141-NC

**STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING INITIAL CASE  
MANAGEMENT CONFERENCE**

1 Plaintiffs Sean Venezia, Michael S. Harvey, Gregory Ludvigsen, Arthur Hull, and Alan  
 2 Rockwell, by and through their respective counsel (“Plaintiffs”), and Defendants Ferrellgas  
 3 Partners, L.P., Ferrellgas, L.P., AmeriGas Partners, L.P., AmeriGas Propane, L.P., and  
 4 AmeriGas Propane, Inc., by and through their respective counsel (collectively, “Defendants”),  
 5 hereby stipulate the following:

6 WHEREAS, on July 10, 2014, Plaintiffs, individually and on behalf of all others  
 7 similarly situated, filed a complaint captioned *Sean Venezia v. Ferrellgas Partners, L.P. et al.*,  
 8 No. 3:14-cv-03141, a putative class action alleging violations of Section 1 of the Sherman Act,  
 9 State Antitrust and Unfair Competition Laws, and State Consumer Protection and Unfair  
 10 Competition Laws;

11 WHEREAS, pursuant to the July 11, 2014 Order Setting Initial Case Management  
 12 Conference and ADR Deadlines, the Initial Case Management Conference was scheduled for  
 13 October 8, 2014 at 10:00 AM;

14 WHEREAS, over thirty similar actions have been filed against Defendants in at least six  
 15 other courts—the United States District Court for the Western District of Missouri, the United  
 16 States District Court for the District of Kansas, the United States District Court for the Southern  
 17 District of California, the United States District Court for the Eastern District of Pennsylvania,  
 18 the United States District Court for the Eastern District of Louisiana, and the United States  
 19 District Court for the Central District of California. These actions raise allegations and claims  
 20 similar to those asserted in the Complaint pending before this Court. Motion practice regarding  
 21 the appropriate forum for consolidation and/or transfer of this case and over thirty others is  
 22 currently underway before the Joint Panel on Multidistrict Litigation (“JPML”). *See JPML*  
 23 *Docket No. 2567, In re Pre-Filled Propane Tank Antitrust Litigation*;

24 WHEREAS, the JPML has set a hearing on the Motion to Transfer and Consolidate on  
 25 October 2, 2014, which necessitates the requested continuance;

26 WHEREAS, no prior extension has been requested;

27 WHEREAS, in order to avoid the unnecessary expenditure of the Court’s and parties’  
 28 resources prior to the JPML’s ruling on the Motion to Transfer and Consolidate, the parties agree

1 to continue the Initial Case Management Conference until after the Motion to Transfer and  
2 Consolidate has been adjudicated, motions to dismiss have been filed and resolved, and an  
3 answer has been filed in this case; and

4 WHEREAS, this Stipulation and Order is without prejudice to, or waiver of, any rights,  
5 arguments, or defenses otherwise available to the parties to this action.

6 NOW, THEREFORE, in the interest of judicial economy and good cause showing, the  
7 undersigned parties, by and through their counsel of record, stipulate as follows:

8 The Initial Case Management Conference, currently scheduled for October 8, 2014 at  
9 10:00 AM, shall be continued until thirty days after an answer is filed in this case, with the other  
10 dates set by the Order Setting Initial Case Management Conference and ADR Deadlines  
11 continued accordingly.

12 The parties respectfully request that the Court enter an Order approving this Stipulation.

13 IT IS SO STIPULATED.

14  
15 Dated: September 17, 2014

Respectfully submitted,  
**LATHAM & WATKINS LLP**

17 By: /s/ Niall E. Lynch  
Niall E. Lynch

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22  
23 *Attorney for Defendants*  
*Ferrellgas Partners, L.P. and Ferrellgas, L.P.*

1 Dated: September 17, 2014

Respectfully submitted,  
**FOLEY & LARDNER LLP**

3 By: /s/ Tammy H. Boggs  
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12 *Attorney for Defendants AmeriGas Partners,*  
13 *L.P., AmeriGas Propane, L.P. and AmeriGas*  
14 *Propane, Inc.*

11 Dated: September 17, 2014

Respectfully submitted,  
**LUKAS, NACE, GUTIERREZ & SACHS,**  
**LLP**

14 By: /s/ Brooks E. Harlow  
15 Brooks E. Harlow

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23 *Attorney for Plaintiffs Sean Venezia, Michael S.*  
24 *Harvey, Gregory Ludvigsen, Arthur Hull and*  
25 *Alan Rockwell*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** Case management conference scheduled for November 12, 2014 at 10:00 a.m. Joint case management statement due November 5, 2014.

DATED: September 19, 2014

Hon. Nathanael M. Cousins  
United States Magistrate Judge



**ATTESTATION CLAUSE**

I, Niall Lynch, am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Continuing Initial Case Management Conference pursuant to Civil Local Rule 5-1. I hereby attest that Tammy Boggs and Brooks Harlow have concurred in this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 17th day of September, 2014 at San Francisco, California.

Dated: September 17, 2014

**LATHAM & WATKINS LLP**

By: /s/ Niall E. Lynch  
Niall E. Lynch

*Attorney for Defendants  
Ferrellgas Partners, L.P. and Ferrellgas, L.P.*